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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,314	04/24/2001	Keith Clark	LINCP103US	6029

7590 07/27/2006

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EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/841,314	Applicant(s) CLARK ET AL.	
	Examiner Sam Bhattacharya	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


GEORGE ENG
SUPERVISORY PATENT EXAMINER

Response to Arguments

1. Applicant's arguments filed 11/8/05 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's assertions with respect to Blankenship and maintains the rejections based on Blankenship for the following reasons.

As explained in the 9/29/05 Office Action, the January 26, 2001 e-mail which accompanied the submitted declaration does not contain sufficient details such as a description or a set of drawings related to the invention that would constitute a showing of facts that, in character and weight, establish reduction to practice or conception of the invention prior to the effective date of Blankenship. Nor has Applicant explained the absence of such drawings or records. For these reasons, Applicant's submission fails to meet the requirements of 37 C.F.R. 1.131. Accordingly, Blankenship is maintained as a ground of rejection of the claims.

Regarding claim 7, 22 and 25, Blankenship teaches a welding system, including a first welding cell including at least one welding node 20, 24, 28, 304 having a wireless communications interface 68; and, at least one other welding cell 20, 24, 28, 30, 304, 310 including at least one welding node having a wireless communications interface 68 wherein the at least one welding node of the first welding cell and the at least one welding node of the at least one other welding cell communicate wirelessly with each other via a frequency adjusting wireless communication protocol. See FIGS. 1 and 2, col. 7, lines 19-32 and col. 8, lines 16-47.

Regarding claim 20, Blankenship teaches generating an RF field around a wireless communications device; establishing communication between the wireless communications device and the at least one welding node via a frequency adjusting wireless communication

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protocol; receiving information via the wireless communications device from the at least one welding node; transmitting information to the at least one welding node from the wireless communications device and monitoring wireless communications. See FIGS. 1 and 2, col. 7, lines 19-32 and col. 8, lines 16-47.

Regarding claim 26, Blankenship teaches a welding system, including means for a first welding node to wirelessly communicate utilizing a frequency adjusting wireless communication protocol; and, means for an Nth welding node to wirelessly communicate information with the first welding node wherein the information includes at least one of weld procedures, parameters, diagnostic information, error logs, machine metrics, system metrics, specifications, manuals, machine enhancements, files for specific user application and sensor feedback. FIGS. 1 and 2, col. 7, lines 19-32 and col. 8, lines 16-47.

Examiner respectfully withdraws the rejection of claims 7-12, 20, 22, 25 and 26 under 35 U.S.C. 103(a) based on Beiermann et al. in view of Nevo et al.